

2013 DRAFT ZONING ARTICLE
(Two-thirds vote)

AMEND ZONING BYLAW – HEATING FUELS

To see if the Town will vote to amend the Zoning Bylaw, Section 3.7 (Prohibited Uses), by deleting the words in the sixth line in the right column of the table, and replacing them with the words “Commercial storage of heating oils; commercial storage of natural gas in LNG tanks, gas holders or pressure vessels; except that the storage of liquefied petroleum (LP) gas shall be allowed for retail purposes as follows: (a) in up to 20 pound capacity cylinders for retail purposes shall be allowed in quantities that are customary for retail businesses, and (b) in a tank with up to 1,000-gallon capacity for customer refills not exceeding one tank per retail location”.

[Note – Section 3.7, Table, right column, sixth line currently reads: “Heating fuel sales, service and storage”.]

, or take any other action relative thereto.

SUMMARY

The zoning bylaw currently prohibits the sales, service and storage of all types of heating fuels despite the many homes and other buildings that depend on such a business. Although this prohibition makes no distinction between types of heating fuels, it is assumed that it was enacted many years ago out of concerns related to groundwater contamination, and therefore specifically aimed at heating oil. One or two heating oil distributors remain in Acton as legally grandfathered uses, having existed here before the prohibition was enacted. Many Acton homes and buildings use oil for heating. In addition, many homes and buildings in Acton use natural gas for heating, and some may use propane and/or fire wood. This article narrows the town-wide prohibition on the sale, service and storage of heating fuel to the “commercial storage of heating oil and the large-scale commercial storage of heating fuel gases”. As a result, the zoning bylaw will allow in the respective business and industrial zoning districts the storage and sale of firewood and other solid fuels and of liquefied petroleum (LP) gas in limited customary retail quantities; and it will allow the sales, but not storage, of heating oil and related services as commercial enterprises to provide Acton’s home- and property owners with local heating services.

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Selectman assigned:

Recommendations: **Board of Selectmen** **Finance Committee** **Planning Board**
